

Notice of Allowability

Application No.

09/857,396

Examiner

Fenn C Mathew

Applicant(s)

IGLESIAS ET AL.

Art Unit

3764

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 02/28/2005.
2. ☒ The allowed claim(s) is/are 1,3,4,6-11,13-17,20,21,23,24,26,30-34,36-38,40,50,52,55,56,61 and 63-66.
3. ☒ The drawings filed on 31 May 2001 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

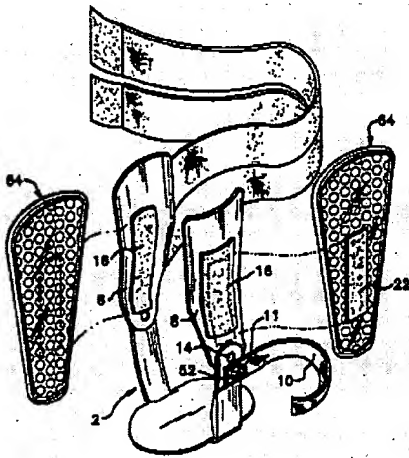
5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

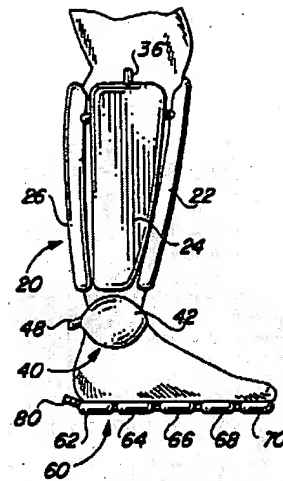
DETAILED ACTION***Allowable Subject Matter***

1. Claims 1, 3, 4, 6-11, 13-17, 20-21, 23, 24, 26, 30-34, 36-38, 40, 50, 52, 55-56, and 61, and 63-66 are allowed. The following is an examiner's statement of reasons for allowance: Applicant has incorporated previously objected to limitations into the correlating independent claims. Please refer to previous actions for additional reasons for allowance. In summary, Peters (U.S. 5,366,439) as pictured

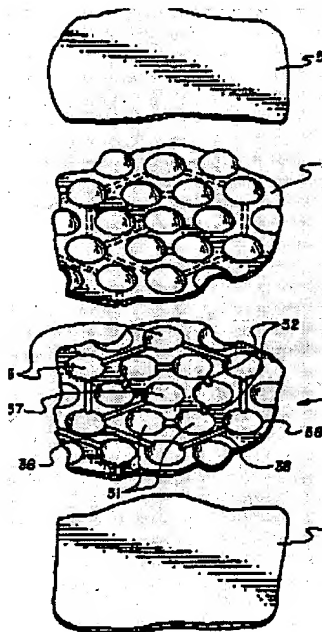


teaches an ankle cushioning brace including bubbles to provide support, however, Peters fails to teach bubbles being free standing in the absence of being filled with air, gel, or liquid.

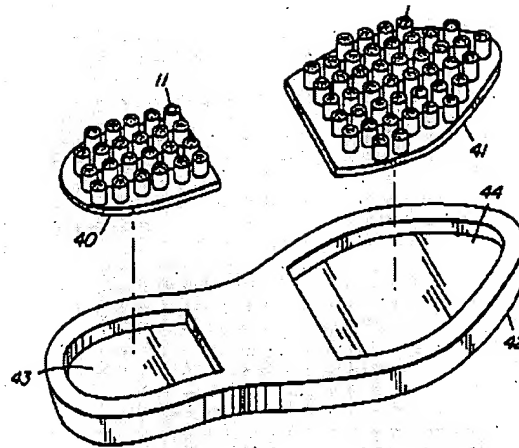
Art Unit: 3764



2. Davis et al. (U.S. 5,288,286) as pictured teaches an inflatable member cushioning the ankle, but fails to teach free standing support structures.



3. Adams (U.S. 5,007,111) teaches an ankle support including support structures as seen above, but fails to teach the base limitations and further having free standing support structures in the absence of being filled with air, gel or liquid.



4. Kramer (U.S. 5,233,767) teaches a support including free standing support members (hollow) that support in the absence of being filled with air, liquid, or gel but fails to teach the pad including interconnected cells comprising a heel bladder fluidically coupled to the pad for varying the pressure exerted by the pad on the limb of the user.

5. The prior art of record fails to teach an ankle support including an outer shell adapted to fit against the lower leg of a user, a molded pad bonded to the shell, an overmold that substantially surrounds the pad and the shell substantially sealing together the support, a pad having a base layer, with the pad having a plurality of hollow structures which have a free standing structure in absence of being filled with air, liquid, or gel.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3764

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Fenn C Mathew whose telephone number is (571) 272-4978. The examiner can normally be reached on Monday - Friday 9:00am - 5:30pm.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fcm

fcm

May 9, 2005

Gregory L. Huson
GREGORY L. HUSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700